

Name: i: a woman, Honor Willson
Address: 750 e. 3rd st. # v21 Pomona, Ca 91766
Telephone: 626-736-8254

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUL 02 2018

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
Civil **DIVISION**

i: a woman, Honor Willson
(Full Name)

PLAINTIFF

vs.

Dani Herzog

Rusty Bingham

DEFENDANTS

CIVIL RIGHTS COMPLAINT
(42 U.S.C §1983, §1985)

Case: 1:18-cv-00076
Assigned To : Wells, Brooke C.
Assign. Date : 7/2/2018
Description: Willson v. Herzog et al

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983
b. ☐ 42 U.S.C. §1985
c. ☐ Other (Please Specify) _____

2. NAME OF PLAINTIFF Honor Willson
IS A CITIZEN OF THE STATE OF California

PRESENT MAILING ADDRESS: 750 E. 3rd St. # V21
Pomona, Ca 91766

3. NAME OF FIRST DEFENDANT Dani Herzog
IS A CITIZEN OF Ogden, Utah
(City and State)

IS EMPLOYED AS DCFS worker at DCFS.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES X NO . If your answer is "YES" briefly explain.

She responded to a call to pick up two children due to the mother being placed under arrest. The children were from other states and there were no relatives to take them at that time.

4. NAME OF SECOND DEFENDANT Rusty Bingham
(If applicable)

IS A CITIZEN OF Riverdale, Utah
(City and State)

IS EMPLOYED AS Police officer at Riverdale police Dept.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES X NO . If your answer is "YES" briefly explain.

was responding to a claim of domestic violence by a man in custody by Hwy Patrol and he told the officer his wife had assaulted him earlier in the morning. He called the home and was told that they would be willing to talk about the incident.

5. NAME OF THIRD DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(City and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES X NO _____. If your answer is "YES" briefly explain.

6. NAME OF FOURTH DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(city and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ____ NO _____. If your answer is "YES" briefly explain.

(Use additional sheets of paper if necessary.)

B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

Both respondents during the the initial encounter were made aware of certain facts and claims

and was all taped by the officers body cam, Entered a petition to the court stating that the children

lived in weber county with RM there mother and stepfather. The facts are was that RM had left her

husband and had not been living in utah since aug.2016 and incident hapened on Jan. 2017

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

- a. (1) Count I: trespass by enterering a forged instrument into the court
- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)
i: a woman having first hand knowledge to the fact that my daughter and grand-
children at the time of the incident did not live in Utah and that she was there to
Pick up personal stuff at the place of arrest. One of the children lived in las vegas
and the other in california, allthough both children had been in nevada with the father
of my grandson were she had spent the summer as well as just prior to there travel
to Utah with there mother and were to return with in the week.
- b. (1) Count II: The right of a child and its mother to live with out outside interference from outside interference.
- (2) Supporting Facts: The father of my grandson came to pick up his son and after taking oath stated that the children had been with him until my daughter picked them up
for the trip to Utah. I also informed the respondents and there employers of this fact but
both agencys stated they did not have to investigate out of the state. Both respondents had
the duty to investigate all claims and to find out were the children were from before filling a
order and felony abuse charges on my daughter with not actual knowledge of thruth.
- c. (1) Count III: Domestic violence was an issue and the duty of both agencys was to find out the nature of the claims and give full discovery as to any facts that could help the defenden
and her right to due process.

(2) Supporting Facts: As seen in the body cam video they were made aware of the facts of the living place of the children as well as my daughter explaining she was leaving her husband and that she moved there by herself and did not have any one to pick up children they were to return home friday. The petition that was entered into the court was that the children live in weber county where they are abused by my daughter because she cares for them while high on marijuana, she tested positive but in the state of california it is not a crime.

D. INJURY

1. How have you been injured by the actions of the defendant(s)?

My daughter was ordered to remain in utah to be reunited with her daughter who they refused to give up jurisdiction of. My grandson was allowed to go home to his father I presented guardianship papers but the judge denied them and placed her 3 yrs old with strangers . The judge then denied me to enter the case and the true facts of the case were never disclosed . My daughter was ordered to remain in utah homeless and before her second hearing injured her arm and ended up in ICU was then released needing medical care. and not able to comply or complete required orders.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment? YES _____ / NO X . If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name of court and case or docket number: _____

- c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) My daughters parental rights were terminated on april 24th of 2018 .
appeal is just being drawn. criminal case was pea bargained due to duress
- d. Issues raised: My daughter filed a claim in district court for a court of record and after 5
months the judge denied jury trial even though both responce defaulted and did not
answer the claim.
- e. When did you file the lawsuit? _____
Date Month Year
- f. When was it (will it be) decided? _____
2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES X / NO _____. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.
- _____
- I have contacted all the appropriate partys and tried to settle this with out a lawsuite but was
denied. My daughter also wrote the court and resinded any contract they may have have and
asked that she have trial by jury..... she requested from the begining to release her attorney but
was denied . A trial was not granted nor was she allowed to have representation of her choice
and was left with council that did not defend her rights or do any thing to help in her defence.

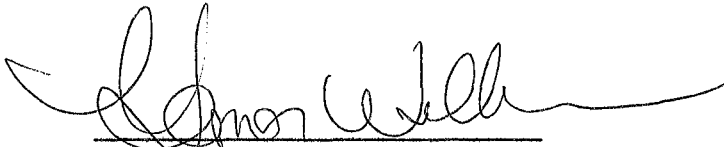
F. REQUEST FOR RELIEF

1. I believe that I am entitled to the following relief:
- A trial by Jury as defined in attachment called , court of record
- That the jury decide what the damages are for harming an entire family as well as the injury my
daughter sustained due to the false complaint and the orders that came from it to stay homeless
in utah with no regard for her health or the injury that the children suffer due to there lack of there
required dutys to at all times keep there oaths of office and by violating there right to be with there
mother , For the money I have lost due to travel lawyers shelter for my daughter and the loss of
my granddaughter that I love dearly . The thought of never seeing her again and to think she thinks

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C §1621.

Executed at Pomona on 6-27 2018
(Location) (Date)


Signature

ER
see Attachment
6/27/2018